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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,898	09/14/2000	Jefferson P. Ward	10005231-1	9717

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EXAMINER

PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,898

Applicant(s)

WARD ET AL.

Examiner

Thierry L. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8,9,13,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8,9,13,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 4/11/05.
- Claims 1, 3-5, 8-9, 13, and 16-17 are pending; Claims 2, 6-7, 10-12, 14-15 have been canceled.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima (US 6149323).

Regarding claim 1, Shima discloses a method of selecting of selecting one of a plurality of print settings (selecting from a plurality of stored print setting values for printing current document, fig. 3, col. 2, lines 15-67) for printing a current document comprising:

- gathering historical document data (gathering historical data of stored document such as titles, col. 3, lines 20-25) relating to prior print setting selections (stored print setting values A1-A4 or B1-B4, fig. 2, col. 3, lines 1-40 and col. 4, lines 6-45);
- correlating each prior print setting selection (print setting values correlated with print stored document, col. 3, lines 17-40) with one or more characteristics of the historical document data (i.e. title of a document, col. 3, lines 20-25), including user's prior print setting preference (each document is linked with a setting value files as shown in fig. 3 & 6);
- comparing (comparing correlated print setting values to the current document attributes to determine whether previous stored setting values can be used, if not, creates a new setting values, fig. 3, col. 4, lines 45 to col. 5, lines 1-60 and col. 7, lines 3-32) the correlated print setting selections to one or more characteristics of the current document to select a print setting from among the plurality of print settings.

Regarding claim 8, Shima discloses a method of selecting one of a plurality of print settings for printing a current document (selecting from a plurality of stored print setting values for printing current document, fig. 3, col. 2, lines 15-67) comprising the steps of:

- gather prior document data (gathering historical data of stored document such as titles, col. 3, lines 20-25) relating to prior setting selections including a user's preferred print setting associated (stored print setting values A1-A4 or B1-B4, fig. 2, col. 3, lines 1-40 and col. 4, lines 6-45) with the prior document data (each document is linked with a setting value files as shown in fig. 3 & 6);
- comparing (comparing correlated print setting values to the current document attributes to determine whether previous stored setting values can be used, if not, creates a new setting values, fig. 3, col. 4, lines 45 to col. 5, lines 1-60 and col. 7, lines 3-32) the prior print settings selections and associated prior document data to at least one of the current document;
- selecting (step S6, fig. 3) a print setting for the document based on the comparison.

Regarding claim 16: Claim 16 recites limitations that are similar and in the same scope of invention as to those in claim 1 above except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. storage device 81, fig. 6) for storing computer programs, hence claim 16 would be rejected using the same rationale as in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima as described in claim 1 above, and in view of Miller et al (US 5731823).

Regarding claims 3-4, Shima discloses a method for creating and storing print setting attributes as a print mode, but fails to teach and/or suggest determining an amount of text data in the current document; and adjusting print setting associated with the current document based on the amount of text data and the user's prior print setting preference.

Miller, in the same field of selecting the most optimum print setting, teaches a method for determining an amount of text data/image data in the current document (determining an amount of text data 44 and image data 44 and 46 within the document 42, fig. 2); and adjusting (adjusting and selecting the print setting to process the text data/image data within the document, col. 6, lines 25-63) print setting associated with the current document based on the amount of text data/image data and the user's prior print setting preference (adjusting and/or modifying a stored print setting values files (i.e. print modes) to delete and/or change to a different attributes are widely known in the art). And also please notes: method of determining amount of text and/or image data is widely known in the art, since the system as cited by the applicants can be performed manually by operators/users.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying/adjusting the print setting values files (i.e. print mode) based on the amount of text data within a document as taught by Miller because of a following reason: to improve output quality of images (Miller, col. 2, lines 1-18).

Therefore, it would have been obvious to combine Shima with Miller to obtain the invention as specified in claims 3-4.

Regarding claim 5, Shima discloses a method for selecting one of a plurality of a print settings for printing a document (selecting from a plurality of stored print setting values for printing current document, fig. 3, col. 2, lines 15-67) comprising:

- selecting print setting (step S6, fig. 3) for the document from the plurality of print settings based on the comparison.

Shima discloses a method for creating and storing print setting attributes as a print mode, but fails to teach and/or suggest determining an amount of text data in the current document; and

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adjusting print setting associated with the current document based on the amount of text data and the user's prior print setting preference.

Miller, in the same field of selecting the most optimum print setting, teaches a method for determining an amount of text data/image data in the current document (determining an amount of text data 44 and image data 44 and 46 within the document 42, fig. 2); and adjusting (adjusting and selecting the print setting to process the text data/image data within the document, col. 6, lines 25-63) print setting associated with the current document based on the amount of text data/image data and the user's prior print setting preference (adjusting and/or modifying a stored print setting values files (i.e. print modes) to delete and/or change to a different attributes are widely known in the art). And also please notes: method of determining amount of text and/or image data is widely known in the art, since the system as cited by the applicants can be performed manually by operators/users.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying/adjusting the print setting values files (i.e. print mode) based on the amount of text data within a document as taught by Miller because of a following reason: to improve output quality of images (Miller, col. 2, lines 1-18).

Therefore, it would have been obvious to combine Shima with Miller to obtain the invention as specified in claim 5.

Claims 9, 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima as described in claim 1 above, and in view of Leiman et al (US 6469796).

Regarding claim 9, Shima discloses a method of selecting one of a plurality of settings for printing a current document (selecting from a plurality of stored print setting values for printing current document, fig. 3, col. 2, lines 15-67) comprising the steps of:

- analyzing a plurality of characteristics relating to document data in the document (gathering historical data of stored document such as titles, col. 3, lines 20-25), the plurality of characteristics including an input/output protocol (printer A or B, fig. 2), a host device type (name of the machine, col. 3, lines 20-25), an application being (printer driver A or B, fig. 2) used to print the document.

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- comparing the plurality of characteristics relating to document data in the current document with a user's prior setting preference (comparing correlated print setting values to the current document attributes to determine whether previous stored setting values can be used, if not, creates a new setting values, fig. 3, col. 4, lines 45 to col. 5, lines 1-60 and col. 7, lines 3-32) associated with prior documents having similar characteristics (each document is linked with a setting value files as shown in fig. 3 & 6); and
- selecting (step S6, fig. 3) a print setting for the current document from the plurality of print settings based on the comparison.

Shima discloses a method for analyzing a plurality of characteristics relating to document data in the document, but fails to teach and/or suggest plurality of characteristics relating to document data in the document including a job queue status, and a time of day.

Leiman, in the same field of endeavor for printing, teaches a method for analyzing a plurality of characteristics relating to document data in the document including a job queue status (job status, fig. 11), and a time of day (time submitted, fig. 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying/adjusting the print setting values files (i.e. print mode) based on the characteristics of current document such as job status queue and time of day that was submitted for printing as taught by Leiman because of a following reason: to improve the quality of output product by using the most optimum print settings based upon document's characteristics.

Therefore, it would have been obvious to combine Shima with Leiman to obtain the invention as specified in claim 9.

Regarding claim 13, Shima further teaches the method of claim 9, further comprising the step of weighting each of the plurality of characteristics according to at least one factor, including a factor associated with a setting in which the printer (resolution, col. 5, lines 10-20 and/or color/monochrome printing, col. 1, lines 19-21) is being used.

Regarding claim 17: Claim 17 recites limitations that are similar and in the same scope of invention as to those in claim 9 above except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. storage

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device 81, fig. 6) for storing computer programs, hence claim 17 would be rejected using the same rationale as in claim 9.

Response to Arguments

Applicant's arguments, see page 6, filed 4/11/05, with respect to the rejection(s) of claim(s) 16-17 under 101 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Applicant's arguments, see page 6, filed 4/11/05, with respect to claims 8-9, 11, and 17 have been fully considered and are persuasive. The 35 US 112, second paragraph rejection of claims 8-9, 11, and 17 has been withdrawn.

Applicant's arguments, see pages 6-7, filed 4/11/05, with respect to the rejection(s) of claim(s) 5, 8, 9, 11, 13, and 17 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references due to newly amended limitations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

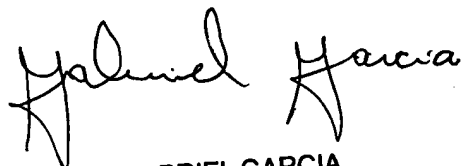
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER